REMARKS

I. Introduction

Claims 20-36 are currently pending in this application. Claims 1-19 were previously cancelled. Claims 32-36 were withdrawn following a restriction requirement.

Claims 23 and 30 have been amended. Claim 23 has been rewritten in independent form and is supported by claim 20 and 24 and original claim 1. Claim 30 has been amended to correct claim dependency. Claim 24 has been cancelled. New claim 37 has been added and is supported by claim 29.

No new matter has been added. For the following reasons, the amendments should be entered, the application allowed and the case passed to issue.

II. Information Disclosure Statement

The Examiner did not consider EP 0267159 A2 submitted in IDS form 1449 and filed 5/14/2004. Applicants have attached an English translation of the abstract of the document herewith. As such is it respectfully requested that the reference be considered.

III. Claim Objections

Claim 30 was objected to. Applicants respectfully submit that the amendment to claim 30 to correct dependency obviates this objections.

IV. Claim Rejections – 35 U.S.C. § 112, first paragraph

A. Enablement

The Examiner rejected claims 20-22 and 25-31 under 35 U.S.C. § 112, first paragraph as allegedly not providing enablement for a nucleic acid molecule encoding a protein which has less than 100% sequence identity to SEQ ID NO: 2. The Examiner argues that neither the state of the art or the specification provide guidance on which regions of SEQ ID NO:2 can be altered

without abrogating delta 12-fatty acid epoxygenase activity and that these regions can not be determined without undue experimentation. Applicants respectfully disagree.

As presented in the response of June 22, 2007, Example 6 on pages 17 and 18 of the specification, teaches that the isolation of an analogue, homolog or derivative of *Stokesia laevis* delta 12-epoxygenase gene is conducted using probes that are specific for the gene, using high stringency hybridization and wash conditions per Maniatis et al, (1989 Molecular Cloning—A Laboratory Manual (2nd ed.) Vol. 1-3, Cold Spring Harbor Laboratory, Col Spring Harbor Press, N.Y). It is well known to one having reasonable skill in the art that these stringent conditions result in approximately 90% sequence identify. Therefore, there is clear support for 90% sequence identity in the disclosure.

It is respectfully submitted that the specification enables claims 20-22 and 25-31.

B. Written Description

Claims 20-22, and 25-31 were under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically the Examiner contends that the specification does not adequately describe the common attributes of the claims. Applicants respectfully disagree.

As discussed above, in reference to the rejections based on 35 U.S.C. § 112, first paragraph as allegedly not providing enablement, claims 20-22 and 25-31 are clearly described in the specification that sequence similarity to the *Stoekesia laevis* delta 12-epoxygenase genes was used to isolated analogues, homologs and derivatives of the delta-12epoxygense gene using probes that were specific for the gene under high stringency hybridization and wash conditions.

As such the methods described in the specification clearly describe the claims.

Accordingly, claims 20-22 and 25-31 are allowable.

V. Claims 23 and 24

Claims 23 and 24 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

Claim 23 has been rewritten in independent form, claim. Therefore it is respectfully submitted that claim 23 is allowable.

VI. New Claim 37

New claim 37 has been added and is supported by claim 29. It is respectfully submitted that claim 37 is clearly supported by the specification.

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Process for the genetic modification of monocotyledonous plants.

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Classification:
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Abstract of **EP0267159**
The process for introducing genetic material into monocotyledonous plants or viable parts thereof comprises transfer microorganisms which are able to introduce said genetic material into monocotyledonous plants or viable parts thereof, and which contain the genetic material to be introduced in a transportable form, being inoculated in the form of a bacterial suspension into the meristematic tissue regions of the plant or viable part thereof. It is also possible, by suitable choice of the time of application with regard to the state of development of the recipient plant, for the transformation frequency to be additionally increased.
